



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2300758, 2301976, 2301977, and 2301978

Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority
("Sound Transit")

Address of Proposal: 7100, 7114, 7126, and 7148 Martin Luther King Jr. Way South

SUMMARY OF PROPOSED ACTION

Master Use Permit for future demolition of five buildings totaling 27,541 square feet for future right-of-way widening associated with a light rail transit system (Sound Transit). Project includes establishing use as a temporary staging area for future construction of a light rail transit facility, 582 cubic yards of grading, and pedestrian amenities for "Othello Station." An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November 1999).

This analysis and decision cover four associated applications:

- #2300758 (7126 MLK Jr. Way South);
- #2301976 (7100 MLK Jr. Way South);
- #2301977 (7114 MLK Jr. Way South); and,
- #2301978 (7148 MLK Jr. Way South).

The following approvals are required:

- Temporary Use Permit – Seattle Municipal Code (SMC) 23.42.040 (#2301977);
- Essential Public Facilities – SMC Chapter 23.80 (#2300758, 2301976, 2301977, and 2301978); and,
- SEPA - for conditioning only – SMC Chapter 25.05 (#2300758, 2301976, 2301977, and 2301978).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

BACKGROUND DATA

Site Location:

The site is located in South Seattle and occupies a city block on the east side of Martin Luther King Jr. Way South that is bounded to the north by South Myrtle Street, to the east by 42nd Avenue South, and to the south by South Othello Street. The site is addressed as 7100, 7114, 7126, and 4148 Martin Luther King Jr. Way South (MUPs #2301976, 2301977, 2300758, and 2301978, respectively).

Site Description

The 86,860-square foot (1.99-acre) site is developed with five existing buildings on nine parcels. At the time of Master Use Permit application, the existing structures and parcels were divided among four separate ownership interests as described below (from north to south):

- MUP #2301976 at 7100 Martin Luther King Jr. Way South. The 30,692-square foot parcel is developed with a 7,650-square foot structure (customer service office use – Washington Mutual bank);
- MUP #2301977 at 7114 Martin Luther King Jr. Way South. The 10,692-square foot parcel is developed with a 4,430-square foot structure (medical services use – International District Community Health Center);
- MUP #2300758 at 7126 Martin Luther King Jr. Way South. This MUP consists of four parcels totaling 30,792 square feet. The parcels are developed with a 4,350-square foot structure (personal and household retail use) and an 8,286-square foot structure (personal and household retail use). The structures are currently occupied by a laundromat, restaurant, dry cleaners, and two small markets.
- MUP #2301978 at 7148 Martin Luther King Jr. Way South. This MUP consists of three parcels containing 14,684

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999.

square feet. The parcels are developed with a 2,825-square foot structure (personal and household retail and medical services uses – barber shop and dentist office).

The site is nearly flat and has been fully developed with the structures described above and with accessory parking. Street trees have been planted along the site's street frontages, but the site itself is primarily hard-surfaced.

The site does not contain any mapped or observed Environmentally Critical Areas (ECAs).

Zoning:

The entire site is located in a Neighborhood Commercial 3 zone, with a height limit of 65 feet (NC3-65). In addition, the site is located in a light rail transit overlay and is subject to an airport height overlay limitation. South Othello Street is a pedestrian-designated (P1) at the subject site.

Zoning in Vicinity:

Zoning in the vicinity is primarily NC3-65. (Parcels to the immediate west, south, and east are all zoned NC3-65). To the north of the site across South Myrtle Street, there is an area of Residential, Multifamily, Lowrise 2 (L2) zoning. Finally, there is an area of Residential, Single-family 5000 (SF 5000) zoning to the northeast of the site.

Uses in Vicinity:

The area contains a mix of commercial uses. Multi-family and single-family residential uses are located to the north and northeast of the site, respectively.

Public Comments:

The public comment period ended May 14, 2003. The Department received no comments concerning the proposal.

Project Description

The subject proposal is an element of Sound Transit's Central Link light rail C730/C740 segment along Martin Luther King Jr. Way South. The C730/C740 contract is a component of Sound Transit's Initial Segment that would ultimately connect downtown Seattle with the City of Tukwila. Under this application, Sound Transit proposes to (1) demolish the five existing structures at the site to accommodate future realignment and widening of Martin Luther King Way Jr. South¹, (2) utilize a portion of the site as a temporary staging area, and (3) construct improvements for the "Othello Plaza."

The five existing structures located on the subject site would all be demolished under separate demolition permits. In addition to the demolition, the lot addressed as 7114 Martin Luther King

¹ Realignment and widening of the roadway and right-of-way would allow placement of at-grade light rail tracks down the center of Martin Luther King Jr. Way South and will be reviewed under (a) separate permit(s).

Jr. Way South (MUP #2301977) would also be utilized as a temporary staging area during project construction. The temporary staging area would be fenced with six-foot high security fencing and improved with a construction trailer and five parking spaces for contractor employees.

The project also includes construction of the “Othello Plaza.” The plaza would be a pedestrian-oriented area designed to provide access to the south end of the “Othello Station”² and to 42nd Avenue South. The plaza would be located at the site’s south end near the intersection of Martin Luther King Jr. Way South and South Othello Street and at the base of a new 42nd Avenue South cul-de-sac.³ The plaza area would be hard-surfaced with concrete pavers and would include a seat wall, bike racks, an information kiosk, a bus shelter, a paratransit shelter, and landscaping (trees, shrubs, and ground cover). Following the anticipated realignment and widening of the Martin Luther King Jr. Way South right-of-way, some of these features would be located within City right-of-way.

In addition to the pedestrian amenities, an electrical services cabinet and a communications cabinet would also be installed in the plaza area. The electrical services cabinet would have a footprint of 8.75 square feet and a height of 5 feet, and the communications cabinet would have a footprint of 28 square feet and a height of 8 feet. Both cabinets would be located at the plaza area’s northern edge.

Finally, approximately 582 cubic yards of grading would occur during and after the demolition of the existing structures and for the construction of the Othello Plaza.

ANALYSIS – ESSENTIAL PUBLIC FACILITIES⁴

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

SMC 23.80.004 A:

- 1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region’s voter-approved Sound Move, Sound Transit’s 10-year program for regional high-capacity transportation. As part

² The “Othello Station” will be reviewed under (a) separate permit(s). The station would be located within the Martin Luther King Jr. Way South right-of-way between South Myrtle Street and South Othello Street.

³ The right-of-way improvements, including the 42nd Avenue South cul-de-sac will be reviewed under (a) separate permit(s).

⁴ Except where specifically noted otherwise, the Essential Public Facility analysis and decision encompass Master Use Permits #2300758, 2301976, 2301977, and 2301978.

of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Central Link light rail system would extend through the most heavily populated portions of King County and Seattle and would be located in several local jurisdictions between SeaTac and North Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

2. *Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.*

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

3. *Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.*

It appears that Sound Transit is not a Special Purpose District. Nevertheless, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. In addition, Policies T35 and T38.5 also address a potential light rail system.

4. *Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).*

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 B:

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the

project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

23.80.004 C: Light rail transit facilities.

- 1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the subject NC3-65 zone.

- 2. The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed demolition and Othello Plaza are consistent with the approved Resolution.

- 3. When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the demolition of five existing structures and the installation of improvements for "Othello Plaza." The project is an integral part of the overall transit system. Sound Transit issued a Final FEIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

- 4. When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. These design guidelines apply to the development of the transit stations and associated improvements; the guidelines contain requirements for the Othello Plaza.

Per Director's Rule 2-2001, the Othello Plaza should "respond to the character of the area in its design by:

- a. "Carefully aligning new sidewalks with existing ones along Othello Street and Martin Luther King, Jr. Way;
- b. "Taking advantage of sun exposure for pedestrian waiting and gathering areas;
- c. "Emphasizing urban, "hardscape" elements that support an active commercial environment surrounding the station;
- d. "Providing clear views toward Martin Luther King, Jr. Way and east down Othello Street; and
- e. "Designing station open spaces with consideration for the broader open space network in the station area, particularly Othello Park, open spaces within Phase 3 of the New Holly redevelopment, and the Chief Sealth bicycle trail."

The proposed Othello Plaza has incorporated the following design guidelines:

- a. The Othello Plaza sidewalks would align existing sidewalks along Martin Luther King, Jr. Way South and South Othello Street;
- b. The plaza would be open to the east-west path of the sun and would also provide a canopy of natural shade through the planting of trees at the plaza's west side;
- c. The plaza's design would maintain views of commercial "hardscape" developments to the west and south;
- d. Clear views would be provided toward Martin Luther King Jr. Way South, the Othello Station, and South Othello Street;
- e. The Othello Plaza would provide continuity of open space areas with the Myrtle Plaza to be located north of the Othello Station.

Therefore, the Othello Plaza would be consistent with approved design guidelines.

5. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.***

The City's Sound Transit Program Manager reviewed the Financial Capacity Statement submitted by Sound Transit for the demolitions and Othello Plaza. On June 27, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

DECISION – ESSENTIAL PUBLIC FACILITY

The Essential Public Facility application request is **APPROVED**.

ANALYSIS - TEMPORARY USE⁵

Pursuant to SMC 23.42.040, the Director may “grant, deny or condition applications for temporary use authorization for uses not otherwise permitted or not meeting development standards in a zone, which are in keeping with the spirit and purpose of the Land Use Code.” Furthermore, SMC 23.42.040(E) states that the Director may authorize a temporary use that supports the construction of a light rail transit facility provided that the requested use meet a specified set of criteria. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

1. *“The alignment, station locations, and maintenance base location of the light rail transit system has been approved by the City Council by ordinance or resolution;”*

The City Council passed resolutions and ordinances approving the alignment, station locations, and maintenance bases for Sound Transit’s proposed light rail system. (For additional information, refer to Resolution 30128 and Ordinances 119904, 119974, and 119975.) The temporary use for a staging area at 7114 Martin Luther King Jr. Way South would accommodate Sound Transit’s proposal to complete construction of a light rail transit system within the Martin Luther King Jr. Way South right-of-way. Therefore, the proposed temporary parking is consistent with the resolution and ordinances passed by the City Council.

2. *“The temporary use or structure is authorized for only so long as is necessary to support construction of the light rail transit system;”*

The temporary staging area would only be required until construction is complete of the light rail system within the Martin Luther King Jr. Way South right-of-way.

3. *“The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding businesses and residences, including but not limited to the following:”*

a. *“Noise impacts will be governed by the Noise Control Ordinance (SMC Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).”*

⁵ The temporary use request, analysis, and conditioning is limited to Master Use Permit #2301977 only (7114 Martin Luther King Jr. Way South). MUPs #2300758, 2301976, and 2301978 do not include a temporary use application.

The construction and operation of the temporary staging area meets the minimum requirements of the Noise Control Ordinance and the Stormwater, Grading and Drainage Ordinance. However, construction activities to establish the staging area would generate short-term noise, and the applicant has submitted to DPD a Construction Noise Mitigation Plan, which is discussed in the SEPA analysis section below and is on file with the Master Use Permit application. Also, the applicant will be required to submit a copy of any necessary demolition permits from the Puget Sound Clean Air Agency (PSCAA), who has authority for mitigating any air quality impacts associated with the proposal.

- b. “Light. To the extent feasible, light should be shielded and directed away from adjoining properties.”***

Sound Transit has indicated that lighting would be shielded away from neighboring properties. In addition, the two abutting properties (7100 and 7126 Martin Luther King Jr. Way South) are included in this Sound Transit application and would, therefore, not be negatively impacted by any light spillover from the temporary staging area.

- c. “Best Management Practices. Construction activities on the site must comply with Director's Rule #16-2000, Best Management Practices for Construction Erosion and Sedimentation Control Plans.”***

No construction or grading work is proposed for the temporary staging area.

- d. “Parking and Traffic. Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and resulting from temporary construction-worker parking, including measures to reduce demand for parking by construction employees must be included.”***

Sound Transit has developed contractor specifications that among other provisions require their contractors to take specific measures to reduce potential impacts associated with temporary construction-worker parking. Special Provision SP-24 requires the contractor to procure parking for all of its employees and subcontractors in accordance with the prescribed Labor Compliance Manual and, if necessary, provide worker transportation to all work sites. SP-24 further prohibits employees of the contractor or its subcontractors from parking anywhere other than the contractor-furnished parking areas and may not impair the existing community parking and traffic conditions. The temporary staging area would include five parking spaces for contractor employee parking.

- e. “Local Businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.”***

The related Essential Public Facilities review for this project includes demolition of all of the existing structures on the block, including the existing structure on the temporary staging area site. Therefore, existing businesses would be displaced, but Sound Transit has been working with the local business community to identify and reduce impacts. Finally, Sound Transit proposes to maintain a level of communication with local business throughout the period of construction.

- f. “Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.”*

Six-foot high security fencing would be erected around the temporary staging area site.

- g. “Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.”*

The access from the temporary staging area would utilize an existing curb cut on 42nd Avenue South. Therefore, the likelihood of vehicle/pedestrian conflicts would not be substantially increased. In addition, the temporary staging area would be partially screened from public view by security fencing.

- h. “Public Information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a twenty-four (24) hour phone number to seek additional information or to report problems.”*

Sound Transit has indicated that the project would include the implementation of a neighborhood construction plan in order to facilitate management of community issues and mitigation of construction impacts. Outreach efforts would include public meetings, construction advisories, newsletters, and other community programs. In addition, as described above, the project contractor would be required to coordinate work with adjacent property owners and participate and assist in Sound Transit community outreach efforts.

- i. “Temporary structures must be constructed to withstand inclement weather conditions.”*

The construction trailer to be installed at the staging area site would be constructed to withstand inclement weather conditions.

- j. “Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.”*

No significant vibration impacts are anticipated to result from the temporary contractor parking area. In addition, noise reductions have been incorporated into the project proposal which would reduce potential vibration.

4. “Site Restoration.”

- a. “The applicant must also agree, in writing, to submit a restoration plan to the Director for restoring areas occupied by temporary construction activities, uses or structures.”*
- b. “The restoration plan must be submitted and approved prior to the applicant vacating the construction site and it must include proposals for cleaning, clearing, removing construction debris, grading, remediation of landscaping, and restoration of grade and drainage.”*
- c. “Site restoration must generally be accomplished within one hundred eighty (180) days of cessation of use of the site for construction uses and activities, unless otherwise agreed to between the applicant and the Director.”*
- d. “The Director will approve plans for site restoration in accordance with mitigation plans authorized under this section.”*

Following the completion of construction activity, the applicant should be required to remove any temporary structures and other temporary improvements and to restore the site to its previous condition. This restoration work should occur within 180 days of cessation of the site for temporary contractor parking.

- 5. “A master use permit for a temporary structure or use that supports the construction of a light rail transit facility shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Agreement with a federal agency) to complete the work described in the master use permit application.”**

The City’s Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On June 27, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

DECISION – TEMPORARY USE

The temporary use application request is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of this report.

ANALYSIS - SEPA⁶

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail stations (including the Othello station and its associated plaza) in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short - Term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise).

⁶ Except where specifically noted otherwise, the SEPA analysis, decision, and conditions encompass Master Use Permits #2300758, 2301976, 2301977, and 2301978.

Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of asbestos that may be encountered during the demolition of the site's five existing structures. However, no permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. Therefore, a condition should be added requiring the applicant to submit to DPD a copy of any required PSCAA demolition permit(s) prior to issuance of construction and demolition permits. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Compliance with PSCAA regulations would mitigate any other potential adverse short term impacts to air associated with demolition and installation of the plaza amenities.

Grading - Earth/Soils

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to the issuance of demolition permits and any required construction permits for the Othello Plaza. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves cuts possibly greater than three feet in height and grading of more than 100 cubic yards of material.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

Noise

Demolition and other construction activities would generate short-term noise. The applicant proposes to implement a Construction Noise Mitigation Plan. This plan requires that Sound Transit and its contractor comply with the City's noise control ordinance (SMC Chapter 25.08).

In addition, the plan requires that Sound Transit work with its contractor, in advance of construction, to plan the construction work in a manner that minimizes potential noise impacts on the neighbors. Sound Transit has a community outreach program to keep the adjacent communities informed throughout construction. The outreach will include updates at community organization meetings, written construction updates, regular door-to-door visits with residents, and other similar efforts. A 24-hour construction hotline will be established, and a record will be kept of all noise complaints. When a complaint is received, Sound Transit will use every reasonable effort to resolve it to the satisfaction of the complainant. The project should be conditioned to require that Sound Transit submit to DPD upon request a list of the noise complaints received during construction of the temporary staging area and Sound Transit's response to each complaint. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Impact on the existing commercial uses in the vicinity of the project; and
- Demolition of structures more than 50 years old.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, two potential impacts warrant further analysis.

Land Use (Impact on existing commercial uses)

Displacement would occur of existing businesses on the site. To address this impact, Sound Transit provides relocation assistance to such businesses in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended, and in accordance with Sound Transit's Real Property Acquisition and Relocation Policy Procedures and Guidelines. Therefore, no additional mitigation is warranted pursuant to SEPA policy.

Historic Preservation (Demolition of Structures More Than 50 Years Old)

The applicant proposes to demolish four structures that are more than 50 years old. Per the SEPA Policy on Historic Preservation, consultation with the Department of Neighborhoods (DON) is required when demolition of an older structure is proposed (SMC 25.05.675(H)(2)(C)). Therefore, DPD sent information about each of the four structures to DON for an advisory

opinion. DON responded that none of the structures proposed for demolition appear to meet the standards for landmark designation. Therefore, no mitigation is required.

CONCLUSION -SEPA

Applicable conditions of approval together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for most impacts identified in the adopted environmental documents. However, additional conditioning to mitigate short-term noise impacts is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The DEIS and FEIS together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DPD's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DPD relies on Sound Transit's FEIS in conditioning project approval.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DPD has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

CONDITIONS – TEMPORARY USE PERMIT

The applicant (Sound Transit) and/or responsible party(s) shall:

1. Remove the security fencing around the temporary staging parking area and restore the site to its previous condition within 180 days of the cessation of the temporary use. In addition, within 180 days of the cessation of the temporary use, the applicant shall submit a letter to DPD indicating that the fence and other temporary improvements have been removed.

CONDITIONS - ESSENTIAL PUBLIC FACILITIES

NONE.

CONDITIONS - SEPA

The applicant (Sound Transit) and/or responsible party(s) shall:

During Construction

2. Submit a copy to DPD of any required PSCAA Demolition Permit(s) or equivalent authorization(s).
3. Comply with the Construction Noise Mitigation Plan submitted to DPD, a copy of which is in the Master Use Permit file. The applicant shall submit to DPD upon request a list of the noise complaints received during construction of the temporary staging area and Sound Transit's response to each complaint. The applicant shall mail the list to the attention of the undersigned DPD planner. DPD will review the list to verify that Sound Transit is complying with the noise mitigation plan and that reasonable measures are taken to mitigate demolition and construction noise.

For the Life of the Project

4. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DPD shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: (signature on file) Date: January 15, 2004
Leslie C. Clark, AICP
Land Use Planner